

**General Docket
Third Circuit Court of Appeals**

Court of Appeals Docket #: 00-1368 Nature of Suit: 3410 Antitrust Lepages Inc, et al v. MN Mining Mfg Co, et al Appeal From: United States District Court for the Eastern District of Pennsylvania Fee Status: Paid	Docketed: 04/28/2000 Termed: 03/25/2003
Case Type Information: 1) civil 2) private 3) Federal question	
Originating Court Information: District: 0313-2 : 97-cv-03983 District Judge: John R. Padova, U.S. District Judge Date Filed: 06/11/1997 Date Order/Judgment: 04/06/2000 Date NOA Filed: 04/25/2000	
Prior Cases: None	
Current Cases: None	

LEPAGES INC Plaintiff - Appellee	<p>Kerry L. Edwards, Esq. Direct: 202-263-3000 Email: kedwards@mayerbrown.com Fax: 202-263-3300 [COR NTC Retained] Mayer Brown 1999 K Street, N.W. Washington, DC 20006</p> <p>Roy T. Englert, Jr., Esq. Direct: 202-775-4503 Email: renglert@robbinsrussell.com Fax: 202-775-4510 [COR NTC Retained] Robbins, Russell, Englert, Orseck, Untereiner & Sauber 1801 K Street, N.W. Suite 411-L Washington, DC 20006</p> <p>Peter Hearn, Esq. Direct: 215-545-1400 Email: hearn@voicenet.com Fax: 215-732-7749 [COR NTC Retained] 519 Pine Street Philadelphia, PA 19106</p> <p>Barbara W. Mather, Esq. Direct: 215-981-4895 Email: matherb@pepperlaw.com Fax: 215-981-4750 [COR NTC Retained] Pepper Hamilton 18th & Arch Streets 3000 Two Logan Square Philadelphia, PA 19103</p> <p>Mark W. Ryan, Esq. Direct: 202-263-3000 Email: mryan@mayerbrown.com Fax: 202-263-3300 [COR NTC Retained] Mayer Brown</p>
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LEPAGES MANAGEMENT CO
Plaintiff - Appellee

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v.

MINNESOTA MINING & MANUFACTURING CO, RP
Defendant - Appellant

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KROLL ASSOCIATES INC
Defendant - Non-Participating

LEPAGE'S INCORPORATED;
LEPAGE'S MANAGEMENT COMPANY, L.L.C

v.

3M (MINNESOTA MINING AND MANUFACTURING COMPANY);
KROLL ASSOCIATES, INC.

Minnesota Mining and Manufacturing Company,

Appellant

- | | | |
|------------|--------------------------|---|
| 04/28/2000 | <input type="checkbox"/> | CIVIL CASE DOCKETED. Notice filed by Minnesota Mining and Manufacturing Company. (LLD) |
| 05/08/2000 | <input type="checkbox"/> | APPEARANCE from Attorney Barbara W. Mather in on behalf of Appellees Lepages Inc and Lepages Mgt Co, filed. (TE) |
| 05/08/2000 | <input type="checkbox"/> | DISCLOSURE STATEMENT on behalf of Appellees Lepages Inc and Lepages Mgt Co, filed. (TE) |
| 05/08/2000 | <input type="checkbox"/> | APPEARANCE from Attorney Richard P. Bress on behalf of Appellant MN Mining Mfg Co, filed. (TE) |
| 05/08/2000 | <input type="checkbox"/> | TRANSCRIPT PURCHASE ORDER (Part I), already on file in the District Court Clerk's Office, filed. (TE) |
| 05/08/2000 | <input type="checkbox"/> | DISCLOSURE STATEMENT on behalf of Appellant MN Mining Mfg Co, filed. (TE) |
| 05/08/2000 | <input type="checkbox"/> | INFORMATION STATEMENT on behalf of Appellant MN Mining Mfg Co, received. (TE) |
| 05/08/2000 | <input type="checkbox"/> | CONCISE SUMMARY OF CASE on behalf of Appellant MN Mining Mfg Co, received. (TE) |
| 06/29/2000 | <input type="checkbox"/> | FOLLOW UP LETTER to Abraham C. Reich in 00-1368 requesting the following documents: **Appearance Form **Disclosure Statement (TE) |
| 06/30/2000 | <input type="checkbox"/> | APPEARANCE from Attorney Peter Hearn on behalf of Appellees, Lepages Inc, and Lepages Mgt Co, filed. (LLD) |
| 07/06/2000 | <input type="checkbox"/> | APPEARANCE from Attorney Mark W. Ryan on behalf of Appellees, Lepages Inc, and Lepages Mgt Co, filed. (LLD) |
| 07/06/2000 | <input type="checkbox"/> | APPEARANCE from Attorney Kerry L. Edwards on behalf of Appellees, Lepages Inc, and Lepages Mgt Co, filed. (LLD) |
| 07/06/2000 | <input type="checkbox"/> | PARTY NOT PARTICIPATING: Abraham C. Reich advises that Kroll Associates, Inc. in Nos. 00-1368 & 00-1473 will not participate in these appeals, received. [SEND TO MERITS PANEL] (LLD) |
| 10/03/2000 | <input type="checkbox"/> | MOTION by Appellant/ Cross-Appellee MN Mining Mfg Co in nos. 00-1368, and 00-1473 for extension of time to file brief and appendix until 1/29/01, filed. Answer due 10/16/00. Certificate of Service dated 10/2/00. (TYW) |
| 10/05/2000 | <input type="checkbox"/> | RESPONSE by Appellees/Cross-Appellants Lepages Inc, and Lepages Mgt Co, in nos. 00-1368, and 00-1473, to motion by Appellant/Cross Appellee for extension of time to file Brief and Appendix, filed Certificate of service dated 10/5/00. (TYW) |
| 10/17/2000 | <input type="checkbox"/> | APPEARANCE from Attorney M. Laurence Popofsky on behalf of Appellant, filed. (TYW) |
| 10/19/2000 | <input type="checkbox"/> | WITHDRAW OF APPEARANCE: attorney Richard P. Bress for MN Mining Mfg Co withdrawing appearance. (TYW) |
| 11/14/2000 | <input type="checkbox"/> | CERTIFIED LIST filed. (TYW) |
| 11/14/2000 | <input type="checkbox"/> | BRIEFING NOTICE ISSUED: Appellant/cross-appellee's brief and Appendix due 12/26/00 in nos. 00-1368 & 00-1473, filed. (TYW) |
| 11/20/2000 | <input type="checkbox"/> | ORDER (Clerk) considering motion by Appellant in Nos. 00-1368 and 00-1473 for extension of time to file brief and appendix and Response in opposition. Appellant's motion is denied as presented. Appellant's brief and appendix shall be filed and served on or before 1/25/01, filed. (TYW) |
| 12/20/2000 | <input type="checkbox"/> | MOTION by Appellant/cross-appellee, MN Mining Mfg Co, for permission to file brief of 20,000 words and that appellees/cross-appellants, LePage Inc and LePage Mgmt Co, be permitted to file an opening brief of similar length, filed. Answer due 1/2/01. Certificate of Service dated 12/19/00. (MGD) |
| 01/02/2001 | <input type="checkbox"/> | ORDER (Clerk) granting motion by Appellant/Cross-Appellee, MN Mining Mfg Co, in Nos. 00-1368 & 00-1473, for permission to file overlength brief, and that Appellees/Cross-Appellants, LePage Inc and LePage Mgmt Co, be permitted to file an opening brief of similar length. Appellant and Appellees shall file briefs not to exceed 20,000 words, filed. (LLD) |
| 01/12/2001 | <input type="checkbox"/> | JOINT MOTION by the Parties in Nos. 00-1368 & 00-1473 to file a deferred appendix, filed. (LLD) |
| 01/17/2001 | <input type="checkbox"/> | APPEARANCE from Attorney John G. Harkins, Jr. on behalf of Appellant, filed. (LLD) |
| 01/22/2001 | <input type="checkbox"/> | ORDER (Clerk) granting joint motion in Nos. 00-1368 & 00-1473 to file a deferred appendix. With regard to the requirements of F.R.A.P. 30(c)(2)(B), all parties shall file 1 copy of the initial brief in typescript. The parties will then file the correct number of copies of their briefs containing references to the appendix 14 days after the appendix is filed, filed. (LLD) |
| 01/24/2001 | <input type="checkbox"/> | PROOF 1st STEP BRIEF on behalf of Appellant/Cross Appelle MN Mining Mfg Co in 00-1368 and in 00-1473, with Certificate Compliance pursuant to Clerks Order dated 1/2/01. Pages: Copies: 2, Delivered by hand, filed. Certificate of service date 1/24/01. (TE) |
| 02/12/2001 | <input type="checkbox"/> | Notice of telephone request. To M. Laurence Popofsky counsel for Appellant/Cross Appellee MN Mining Mfg Co in 00-1368 001473, requesting 8 additional copies of brief. Response due in 3 days. (TE) |
| 02/23/2001 | <input type="checkbox"/> | |

- PROOF 2ND STEP BRIEF with Addendum on behalf of Appellee/Cross- Appellant Lepages Inc and Lepages Mgt Co in 00-1368 and 00-1473, with certificate of compliance pursuant to Clerk Order dated January 2, 2001. Pages: 88, Copies: 10, Delivered by mail, filed. Certificate of service date 2/23/01. (LAL)
- 03/05/2001 AMENDED (POSITIVE) DISCLOSURE STATEMENT filed on behalf of Appellees, Lepages Inc, and Lepages Mgt Co, filed. (LLD)
- 03/16/2001 JOINT DEFERRED APPENDIX on behalf of Appellant MN Mining Mfg Co in 00-1368 and Appellants Lepages Inc and Lepages Mgt Co in 00-1473. Volumes 1-22 of Sealed Joint Appendix with separate index filed under SEAL. Volumes 1-33 of Joint Appendix with separate index filed pursuant to Clerk order dated 1/22/01. Copies: 4, Volumes: 55, Delivered by mail, filed. Certificate of service date 3/14/01. (LAL)
- 03/26/2001 3RD STEP BRIEF on behalf of Appellant/Cross-Appellee MN Mining Mfg Co in 00-1368 and 00-1473. With Certificate of compliance pursuant to F.R.A.P. 32(a)(7)(B)(i). Pages: 48 Copies: 10 Delivered by hand, filed. Certificate of service date 3/26/01. (LAL)
- 03/28/2001 Notice of telephone request. To M. Luarence Popofsky, counsel for Appellant/Cross Appellee MN Mining Mfg Co in 00-1368 and 00-1473, requesting 8 additional copies of brief. Response due in 3 days. (TE)
- 03/30/2001 1st STEP BRIEF on behalf of MN Mining Mfg Co in 00-1368, MN Mining Mfg Co in 00-1473. Pages: 84, Copies: 10, Delivered by mail, filed. Certificate of service date 3/30/01. (WAB)
- 03/30/2001 AMENDED APPENDIX on behalf of MN Mining Mfg Co in 00-1368, MN Mining Mfg Co in 00-1473. Copies: 4 Vol.: Amended Volume 28 of Joint Appendix, Delivered by mail, filed. Certificate of service date 3/30/01. (WAB)
- 04/02/2001 2ND STEP BRIEF on behalf of Lepages Inc in 00-1368, Lepages Mgt Co in 00-1368, Lepages Inc in 00-1473, Lepages Mgt Co in 00-1473. Pages: 90, Copies: 10, Delivered by hand/mail, filed. Certificate of service date 3/30/01. (WAB)
- 04/04/2001 Notice of telephone request to Mr. Bronston for Lepages, Inc., Appellees/Cross Appellants, for a motion to file supplemental Volume 23 and Volume 1A of the Sealed Joint Appendix. Response due in 3 days. (WAB)
- 04/05/2001 MOTION by Appellees/Cross-Appellants, Lepages Inc, and Lepages Mgt Co, in Nos. 00-1368 & 00-1473, to file Volume 23 and Supplemental Volume 1A of the Joint Appendix Under Seal, filed. Answer due 4/17/01. Certificate of Service dated 4/4/01. (LLD)
- 04/05/2001 COMPLIANCE RECEIVED From Mr. Bronston, counsel for Appellees/Cross-Appellant, received motion for leave to file volumes 23 and volume 1A of Joint appendix under seal. (LAL)
- 04/09/2001 ORDER (Clerk) referring to a Motions Panel the motion by Appellees/Cross-Appellants, Lepages Inc, and Lepages Mgt Co, in Nos. 00-1368 & 00-1473, to file Volume 23 and Supplemental Volume 1A of the Joint Appendix Under Seal, filed. (LLD)
- 04/09/2001 4TH STEP BRIEF on behalf of Appellee/Cross-Appellants Lepages Inc and Lepages Mgt Co in 00-1368 and 00-1473. Copies: 10 Delivered by mail. Certificate of service date 4/9/01. (LAL)
- 05/11/2001 CALENDARED for Thursday, July 12, 2001. (EH)
- 05/16/2001 ORDER (Scirica, Authoring Circuit Judge) granting motion by Appellees/Cross-Appellants, LePage's Incorporated, and LePage's Management Company, LLC, in Nos. 00-1368 & 00-1473 to File Volume 23 and Supplemental Volume 1A of the Joint Appendix Under Seal, filed. B-84 (LLD)
- 05/16/2001 JOINT APPENDIX on behalf of Appellants/Cross-Appellees MN Mining Mfg Co, Appellees/Cross-Appellant Lepages Inc and Lepages Mgt Co in 00-1368 & 00-1473. Copies: 4, Volumes: 33 (Volume 23 UNDER SEAL - Pages 3831 to 3884 under seal pursuant to 5/16/01 Court Order), Delivered by mail, filed. Certificate of service dated 4/2/01. (TE)
- 05/16/2001 SEALED SUPPLEMENTAL APPENDIX Volume 1A on behalf of Lepages Inc. and Lepages Mgt Co in 00-1368 & 00-1473. Copies: 4, Volumes: 1, Delivered by mail, filed. Certificate of service dated 4/2/01. (Supplemental Appendix filed under seal pursuant to order dated 5/16/01). SEALED (TE)
- 07/05/2001 LETTER dated 7/3/01 received pursuant to Rule 28(j) from M. Laurence Popofsky, Esq., counsel for Appellant/Cross-Appellee, MN Mining Mfg Co, in Nos. 00-1368 & 00-1473, received. (LLD)
- 07/06/2001 LETTER dated 7/6/01 received pursuant to Rule 28(j) from Barbara W. Mather, Esq., counsel for Appellees/Cross-Appellants, Lepages Inc, and Lepages Mgt Co, in Nos. 00-1368 & 00-1368, received. (LLD)
- 07/12/2001 ARGUED Thursday, July 12, 2001 Panel: Sloviter, Alito and Greenberg, Circuit Judges. (EH)
- 07/12/2001 COURT RESPONSE REQUEST AT ORAL ARGUMENT. Court directed counsel to file a transcript of oral argument. Response due by 7/26/01 in 00-1368, in 00-1473. (EH)
- 07/12/2001 APPEARANCE from Attorney Stephen V. Bomse on behalf of Appellant MN Mining Mfg Co, filed. (LLD)
- 07/26/2001 Copy of transcript of tape of oral argument on Thursday, July 12, 2001, submitted by John G. Harkins, Jr., Esq., counsel for Appellant/Cross Appellee in the above-referenced matter. prepared at the direction of the Court. (EH)
- 07/30/2001 LETTER dated 7/27/01 received pursuant to Rule 28(j) from Stephen V. Bomse, Esq., counsel for Appellant/Cross-Appellee, MN Mining Mfg Co, in Nos. 00-1368 & 00-1473, received. (LLD)

- 01/14/2002 PUBLISHED OPINION (*Sloviter, Alito and Greenberg, Authoring Judge, Circuit Judges), filed. *Judge Sloviter filed a dissenting in part opinion. VACATED per the Court's order of 2/25/02. (TYW)
- 01/14/2002 JUDGMENT the order of the district court entered on March 14, 2000 is affirmed to the extent that it granted 3M a judgment as a matter of law but it is reversed to the extent that it denied 3M a judgment as a matter of law and the case is remanded to the district court to enter judgment in favor of 3M, in accordance with the opinion of the Court. Costs are taxed against appellees/cross-appellants, filed. VACATED per the Court's order of 2/25/02 (TYW)
- 01/16/2002 ORDER AMENDING PUBLISHED OPINION (Sloviter, Authoring Judge, Alito, and Greenberg, Circuit Judges), filed. Order Amending the Dissenting-in-Part Opinion. (LLD)
- 01/28/2002 BILL OF COSTS by Appellant/Cross-Appellee MN Mining Mfg Co, in Nos. 00-1368 & 00-1473, filed. Certificate of service dated 1/25/02. VACATED in light of Court's 2/25/02 Order. (LLD)
- 01/28/2002 PETITION by Appellees/Cross-Appellants, LePage's Inc., and LePage's Management Company, L.L.C., in Case Nos. 00-1368 & 00-1473 for rehearing en banc, filed. Certificate of service dated 1/28/02. (LLD)
- 01/29/2002 ORDER AMENDING PUBLISHED OPINION (Sloviter, Alito, and Greenberg, Authoring Judge, Circuit Judges), filed. Order Amending the Majority Opinion. (LLD)
- 02/04/2002 ORDER (Sloviter, Authoring Circuit Judge) directing that the Appellant/Cross-Appellee, 3M (Minnesota Mining and Manufacturing Company) in Case Nos. 00-1368 & 00-1473 file an Answer to the Petition for Rehearing En Banc filed by Appellees/Cross-Appellants, LePage's Incorporated, and LePage's Management Company, L.L.C. An original and 14 copies of the Answer is to be filed in the Office of the Clerk within 14 days of the date of this order, filed. (LLD)
- 02/19/2002 ANSWER received in accordance with the Court's request from Appellant/Cross-Appellee, 3M (Minnesota Mining and Manufacturing Company) in Case Nos. 00-1368 & 00-1473 to Petition for Rehearing En Banc, filed. (LLD)
- 02/25/2002 ORDER (Coram: Chief Judge Becker, Authoring Judge, Sloviter, Mansmann, Scirica, Nygaard, Alito, McKee, Ambro, Fuentes and *Greenberg, Circuit Judges) vacating the opinion and judgment filed January 14, 2001 and granting petition for rehearing en banc by Appellees/Cross-Appellants, Lepages Inc and Lepages Mgt Co, filed. *Judge Greenberg's vote is limited to panel rehearing only. (TYW)
- 02/26/2002 CALENDARED for REHEARING EN BANC on Wednesday, October 30, 2002, at 11:00 a.m., (Rescheduled from Thursday, October 24, 2002. (CLT)
- 04/01/2002 APPEARANCE from Attorney Roy T. Englert on behalf of Appellees Lepages Inc. and Lepages Management Company, filed. (TE)
- 04/15/2002 REPORTER at 277 F.3d 365 (3d Cir. 2002) (GKL)
- 08/26/2002 LETTER dated 8/23/02 received pursuant to Rule 28(j) from Roy T. Englert, Jr., Esq., counsel for Appellees/Cross-Appellants, Lepages Inc, and Lepages Mgt Co, in Case Nos. 00-1368 & 00-1473, received. (LLD)
- 09/11/2002 Letter dated 9/9/02 from M. Laurence Popofsky, Esq., counsel for Appellants/Cross-Appellees, Minnesota Mining and Manufacturing Company, in response to 28(j) letter submitted by Appellees/Cross-Appellants, Lepages Inc, and Lepages Mgt Co, in Case Nos. 00-1368 & 00-1473, received. (LLD)
- 10/30/2002 REARGUED In Banc Wednesday, October 30, 2002 Panel: Becker, Chief Judge, Sloviter, Scirica, Nygaard, Alito, McKee, Ambro, Fuentes, Smith and Greenberg, Circuit Judges. (CLT)
- 10/30/2002 COURT RESPONSE REQUEST AT ORAL ARGUMENT. Court directed counsel to file a transcript of oral argument. Response due by 11/13/02 in 00-1368, in 00-1473. (CLT)
- 11/08/2002 Copy of transcript of tape of en banc oral argument on Wednesday, October 30, 2002 prepared at the direction of the Court, received from Jeremy Heep, Esq., in the capacity of liaison counsel, in the above-referenced matter. (CLT)
- 03/25/2003 PUBLISHED PRECEDENTIAL REPORTED OPINION (Becker, Chief Judge, Sloviter, Authoring Judge, Scirica, Nygaard, Alito, McKee, Ambro, Fuentes, Smith, and Greenberg, Circuit Judges), with separate dissenting opinion by Judge Greenberg, filed. (LLD)
- 03/25/2003 JUDGMENT, Ordered and Adjudged by this Court that the Order of the District Court entered on 3/14/00, be and the same is hereby, Affirmed. Costs are taxed against 3M, filed. (LLD)
- 03/31/2003 UNCONTESTED MOTION by MN Mining Mfg Co in Case Nos. 00-1368 & 00-1473 for Stay of Mandate, filed. Certificate of Service dated 3/31/03. (LLD)
- 04/08/2003 ORDER (Sloviter, Authoring Judge, Alito, and Greenberg, Circuit Judges) granting motion by MN Mining Mfg Co in Case Nos. 00-1368 & 00-1473 for stay of mandate until 5/16/03, filed. (LLD)
- 04/08/2003 Certified copy of order to Lower Court. (LLD)
- 04/08/2003 BILL OF COSTS filed by Lepages Inc, and Lepages Mgt Co, in Case Nos. 00-1368 & 00-1473. Certificate of Service dated 4/7/03. (LLD)
- 04/23/2003 MOTION by MN Mining Mfg Co in Case Nos. 00-1368 & 00-1473 for further Stay of Mandate until 6/23/03, filed. Answer due 5/8/03. Certificate of Service dated 4/23/03. (LLD)

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| 04/24/2003 | <input type="checkbox"/> | RESPONSE by Lepages Inc, and Lepages Mgt Co, in Case Nos. 00-1368 & 00-1473, to motion for further Stay of Mandate until 6/23/03, filed. Certificate of service dated 4/24/03. (LLD) |
| 04/30/2003 | <input type="checkbox"/> | ORDER (Sloviter, Authoring Judge, Alito, and Greenberg, Circuit Judges) granting motion by MN Mining Mfg Co in Case Nos. 00-1368 & 00-1473 for further stay of mandate until 6/23/03, filed. (LLD) |
| 04/30/2003 | <input type="checkbox"/> | Certified copy of order to Lower Court. (LLD) |
| 06/30/2003 | <input type="checkbox"/> | Supreme Court of U.S. notice filed advising petition for writ of certiorari filed by MN Mining Mfg Co in 00-1368 and 00-1473. Filed in the Supreme Court on 6/20/03 at Supreme Ct. case number: 02-1865. (MGD) |
| 07/06/2004 | <input type="checkbox"/> | U.S. Supreme Court order dated 6/30/04, at S.C. number: 02-1865, denying petition for writ of certiorari by Appellant MN Mining Mfg Co, Appellee MN Mfg Co. in 00-1368 and 00-1473, filed. (JT) |
| 07/15/2004 | <input type="checkbox"/> | MANDATE ISSUED, filed. (00-1473) (LWC) |
| 07/15/2004 | <input type="checkbox"/> | RECORD released. (LWC) |

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